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United States
Environmental Protection
Agency

Region 3

Hazardous Site Cleanup Division

1650 Arch Street

Philadelphia, PA 19103-2029

FAX TRANSMISSION

DATE: 2/19/10

PAGE 1 of 4

PLEASE DELIVER AT ONCE TO:

NAME:

DANIEL LASHINSKY

FIRM NAME:

COMBINED SYSTEMS

PHONE:

FAX NUMBER:

724-932-3099

FROM:

MICHELLE PRICE-FAY

PHONE:

FAX NUMBER:

1-(215) 814-3005

COMMENTS/NOTE: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FACSIMILE (724) 932-3097 and
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 19 2010

Mr. Daniel Lashinsky
Director of Safety
Combined Systems, Inc.
388 Kinsman Road
Jamestown, Pennsylvania, 16134

Re: Combined Systems, Inc.

Dear Mr. Lashinsky:

The purpose of this letter is to confirm that on March 9, 2010 at 8:00 a.m., the U.S. Environmental Protection Agency ("EPA") will conduct an inspection of the facility located at 388 Kinsman Road in Jamestown, Pennsylvania. This inspection will be conducted pursuant to the Emergency Planning and Community Right-to-Know Act ("EPCRA") and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). EPA's primary focus during this inspection will be to gather information regarding Combined Systems, Inc.'s compliance with Sections 302, 303, 311, and 312 of EPCRA for its facility, located in Jamestown, Pennsylvania.

The inspection will be conducted by Chenega Global Services, LLC ("CGS"), a contractor to EPA under the Enforcement Support Services and Community Involvement Support Contract, EP-S3-09-02. CGS is designated by the Administrator of the U. S. EPA to conduct inspections pursuant to EPCRA and CERCLA. CGS representatives are authorized to have access to Confidential Business Information and have signed a Non-Disclosure agreement regarding such information.

The scope of the inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviewing and taking statements; reviewing of chemical manufacturing, importing, processing; and/or use facilities, including waste handling and treatment operations; taking samples and photographs; and any other inspection activities necessary to gather information relative to compliance with EPCRA for the Jamestown, Pennsylvania facility.

The inspectors will review and may obtain copies of the following documents:

- Calendar years 2007, 2008, and 2009 on-site inventories of all chemical substances and mixtures used, stored, processed and/or manufactured at each facility. Include, in this summary, chemical names with Chemical Abstracts Service ("CAS") number and maximum quantities on-hand at any one time.
- A copy of the notifications to the State Emergency Response Commission ("SERC"), or the Local Emergency Planning Committee ("LEPC"), indicating that an Extremely Hazardous Substance ("EHS") is stored in quantities equal to or greater than the Threshold Planning Quantity ("TPQ"), as required by EPCRA §302.
- A copy of any correspondence to the SERC, or the LEPC, verifying an identified Facility Emergency Coordinator ("FEC"), as required by EPCRA §303.
- Copies of Material Safety Data Sheets ("MSDSs"), or the list of MSDS chemicals, your facility submitted to the appropriate SERC, LEPC, and local Fire Department for those chemicals present in quantities which meet or exceed the applicable TPQ or threshold level, as required by EPCRA §311.
- Copies of Tier II Report forms submitted to the appropriate SERC, LEPC, and local Fire Department for those chemicals subject to EPCRA §311 at your facility during calendar years 2007, 2008, and 2009, as required by EPCRA §312.

To facilitate the inspection process and minimize the time the inspectors need to be at your facility, please have these documents ready at the time of the inspection. In addition, please have available a site plan or facility diagram, as well as a written general description of your business operations including: Standard Industrial Classification ("SIC") Code; North American Industry Classification System ("NAICS") Code; year business began operations; year and state of incorporation; calendar year 2009 estimated annual revenue; number of employees; branch locations; headquarters or parent offices; and company officials (e.g., President, CEO, Plant or Branch Managers). Please provide this information on company letterhead or other documentation which clearly indicates your company name, address, city, and state.

You may, if appropriate, pursuant to the procedures set forth at 40 C.F.R. § 2.203(b), assert a business confidentiality claim covering all or part of the information requested above. Information covered by such a claim will be handled by EPA in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice to the company.

On April 11, 2000, EPA issued its revised final "Small Business Compliance Policy". This policy implements, in part, the Executive Memorandum of Regulatory Reform (60 Federal

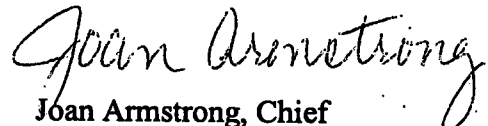
Register 20261, April 26, 1995) and Section 323 of the Small Business Regulatory Enforcement Fairness Act ("SBREFA"). Attached with this letter you will also find a SBREFA Information Sheet which will provide you with a variety of compliance assistance tools to assist you in complying with federal and state environmental laws. In addition, EPA has an informative website for Small Business Compliance and Enforcement, including the SBREFA Information Sheet, at: <http://www.epa.gov/compliance/incentives/smallbusiness/>

If at all possible, please provide the inspectors with a convenient location (*e.g.*, office, conference room) to conduct the inspection and complete their paperwork. The inspectors may need to have access to a telephone. Please also be prepared to have a knowledgeable operations/maintenance facility representative available to accompany the inspectors on a tour of your facility.

The inspectors will provide you with a partial list of chemicals subject to SARA Title III, a guide to SARA Title III, and instructions to assist you in preparing documents necessary to determine compliance.

If you have any questions, or if for security or clearance reasons you need any additional information pertinent to the individuals who will be conducting the subject inspection, please contact Michelle Price-Fay, EPCRA Coordinator, at (215) 814-3397.

Sincerely,


Joan Armstrong, Chief
Oil and Prevention Branch

Attachments:
Recommended format for on-site inventories
EPCRA Fact Sheets
SBREFA Information Sheet

cc: Case File (03-PA-2010-022)
Jeffrey Thomas (CGS)
Craig Yussen (3WC33)

Attachment 1

Recommended format for on-site inventories

Please provide a list of all the hazardous chemicals, mixtures, and/or EHSs that you had on-site during calendar years 2006, 2007, and 2008, and for which the Occupational Safety and Health Administration ("OSHA") requires that you have a Material Safety Data Sheet ("MSDS"). Please provide quantities for each of these substances for each year as well. Mixtures should be broken down into components by percentages. Include the Chemical Abstracts Service ("CAS") numbers (if available) for all hazardous chemicals. The table below lists examples and a recommended format.

CHEMICAL FROM ALL PRODUCTS ON-SITE	% COMPOSITION	CAS NUMBER	2006 MAX AMT (LBS.)	2007 MAX AMT (LBS.)	2008 MAX AMT (LBS.)
Pure Chemical OR Chemical Name from product					
Sulfuric acid	100%	7664-93-9	12,500 (total)	12,000 (total)	13,000 (total)
Xylene from yellow paint #2	25%	1330-20-7	25,500 (total)	22,000 (total)	13,300 (total)
from degreaser A12	35%		8,000	9,000	7,150
pure	100%		8,500	8,400	2,150
			9,000	4,600	4,000
Toluene		108-88-3	35,600 (total)	37,000 (total)	37,000 (total)
from degreaser A12	50%		9,300	9,300	9,300
from yellow paint #2	20%		9,200	9,200	9,200
from orange paint #5	5%		8,100	8,100	8,100
pure	100%		9,000	10,400	10,400



The Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) establishes requirements for Federal, State and local governments, Indian Tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

What Does EPCRA Cover?

EPCRA has four major provisions:

- Emergency planning (Section 301-303),
- Emergency release notification (Section 304),
- Hazardous chemical storage reporting requirements (Sections 311-312), and
- Toxic chemical release inventory (Section 313).

Information gleaned from these four requirements will help States and communities develop a broad perspective of chemical hazards for the entire community as well as for individual facilities. Regulations implementing EPCRA are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372. The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Table 1 on the next page summarizes the chemicals and thresholds.

What Are Emergency Response Plans (Sections 301-303)?

Emergency Response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under

section 303. The plans must:

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the probable affected area and population by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and,
- Provide methods and schedules for exercising emergency response plans.

Planning activities of LEPCs and facilities initially focused on, but were not limited to, the 356 extremely hazardous substances listed by EPA. The list includes the threshold planning quantities (minimum limits) for each substance. Any facility that has any of the listed chemicals at or above its threshold planning quantity must notify the SERC and LEPC within 60 days after they first receive a shipment or produce the substance on site.

FACTSHEET

What Are the Emergency Notification Requirements (Section 304)?

Facilities must immediately notify the LEPC and the SERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 356 extremely hazardous substances as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a)(40 CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- The chemical name;
- An indication of whether the substance is extremely hazardous;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and,

What Are SERCs and LEPCs?

The Governor of each state designated a State Emergency Response Commission (SERC). The SERCs, in turn, designated about 3,500 local emergency planning districts and appointed Local Emergency Planning Committees (LEPCs) for each district. The SERC supervises and coordinates the activities of the LEPC, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

The LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

- Name and telephone number of contact person.

A written follow-up notice must be submitted to the SERC and LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

Table 1: EPCRA Chemicals and Reporting Thresholds

	Section 302	Section 304	Sections 311/312	Section 313
Chemicals Covered	356 extremely hazardous substances	>1,000 substances	500,000 products	650 toxic chemicals and categories
Thresholds	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	TPQ or 500 pounds for Section 302 chemicals; 10,000 pounds on site at any one time for other chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year used; certain persistent bioaccumulative toxics have lower thresholds

What Are the Community Right-to-know Requirements (Sections 311/312)?

Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place. Approximately 500,000 products have MSDSs.

Section 311 requires facilities that have MSDSs for chemicals held above certain quantities to submit either copies of their MSDSs or a list of MSDS chemicals to the SERC, LEPC, and local fire department. If the facility owner or operator chooses to submit a list of MSDS chemicals, the list must include the chemical or common name of each substance and must identify the applicable hazard categories. These hazard categories are:

- Immediate (acute) health hazard;
- Delayed (chronic) health hazard;
- Fire hazard;
- Sudden release of pressure hazard; and
- Reactive hazard.

If a list is submitted, the facility must submit a copy of the MSDSs for any chemical on the list upon the request of the LEPC or SERC.

The Tier II report contains basically the same information as the Tier I, but it must name the specific chemicals. Many states require Tier II information under state law. Tier II forms provide the following information for each substance:

- The chemical name or the common name as indicated on the MSDS;
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner elects to withhold location information from disclosure to the public.

Because many SERCs have added requirements or incorporated the Federal contents in their own forms, Tier I/II forms should be obtained from the SERC. Section 312 information must be submitted on or before March 1 each year. The information submitted under sections 311 and 312 is available to the public from LEPCs and SERCs.

In 1999, EPA excluded gasoline held at most retail gas stations from EPCRA 311/312 reporting. EPA estimates that about 550,000 facilities are now covered by EPCRA 311/312 requirements.

Facilities that start using a chemical or increase the quantity to exceed the thresholds must submit MSDSs or a list of MSDS chemicals within three months after they become covered. Facilities must provide a revised MSDS to update the original MSDS if significant new information is discovered about the hazardous chemical.

Facilities covered by section 311 must, under section 312, submit annually an emergency and hazardous chemical inventory form to the LEPC, the SERC, and the local fire department. Facilities provide either a Tier I or Tier II form. Tier I forms include the following aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of chemicals for each category present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of chemicals in each category; and,
- The general location of hazardous chemicals in each category.

Reporting Schedules

Section

- | | |
|------------|---|
| 302 | One time notification to SERC |
| 304 | Each time a release above a reportable quantity occurs; to LEPC and SERC |
| 311 | One time submission; update only for new chemicals or information; to SERC, LEPC, fire department |
| 312 | Annually, by March 1 to SERC, LEPC, fire department |
| 313 | Annually, by July 1, to EPA and State |

What is the Toxics Release Inventory (Section 313)?

EPCRA section 313 (commonly referred to as the Toxics Release Inventory or TRI) requires certain facilities (see box) to complete a Toxic Chemical Release Inventory Form annually for specified chemicals. The form must be submitted to EPA and the State on July 1 and cover releases and other waste management of toxic chemicals that occurred during the preceding calendar year. One purpose of this reporting requirement is to inform the public and government officials about releases and other waste management of toxic chemicals. The following information is required on the form:

- The name, location and type of business;
- Whether the chemical is manufactured (including importation), processed, or otherwise used and the general categories of use of the chemical;
- An estimate (in ranges) of the maximum amounts of the toxic chemical present at the facility at any time during the preceding year;
- Quantity of the chemical entering the air, land, and water annually;
- Off-site locations to which the facility transfers toxic chemicals in waste for recycling, energy recovery, treatment or disposal; and
- Waste treatment/disposal methods and efficiency of methods for each waste stream;

In addition, the Pollution Prevention Act of 1990 requires collection of information on source reduction, recycling, and treatment. EPA maintains a national TRI database, available on the Internet (see the Where Can I Find EPCRA Information? section for further details).

What Else Does EPCRA Require?

Trade Secrets. EPCRA section 322 addresses trade secrets as they apply EPCRA sections 303, 311, 312, and 313 reporting; a facility cannot claim trade secrets under section 304 of the statute. Only chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. In practice, less than one percent of facilities have filed such claims.

Even if chemical identity information can be legally withheld from the public, EPCRA section 323 allows the

Who's Covered by TRI?

The TRI reporting requirement applies to facilities that have 10 or more full-time employees, that manufacture (including importing), process, or otherwise use a listed toxic chemical above threshold quantities, and that are in one of the following sectors:

- Manufacturing (Standard Industrial Classification (SIC) codes 20 through 39)
- Metal mining (SIC code 10, except for SIC codes 1011, 1081, and 1094)
- Coal mining (SIC code 12, except for 1241 and extraction activities)
- Electrical utilities that combust coal and/or oil (SIC codes 4911, 4931, and 4939)
- Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste treatment and disposal facilities (SIC code 4953)
- Chemicals and allied products wholesale distributors (SIC code 5169)
- Petroleum bulk plants and terminals (SIC code 5171)
- Solvent recovery services (SIC code 7389)

information to be disclosed to health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment activities. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. In medical emergencies, the health professional, if requested by the facility, provides these documents as soon as circumstances permit.

Any person may challenge trade secret claims by petitioning EPA. The Agency must then review the claim and rule on its validity.

EPCRA Penalties. EPCRA Section 325 allows civil and administrative penalties ranging up to \$10,000-\$75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

Citizens Suits. EPCRA section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. A SERC, LEPC, and State or local government may institute actions against facility owner/operators for failure to comply with EPCRA requirements. In addition, States may sue EPA for failure to provide trade secret information.

Where Can You Find EPCRA Information?

MSDSs, hazardous chemical inventory forms, follow-up emergency notices, and the emergency response plan are available from the SERC and LEPC.

MSDSs on hazardous chemicals are maintained by a number of universities and can be accessed through www.hazard.com.

EPA also provides fact sheets and other information on chemical properties through its website: www.epa.gov. EPA has compiled a list of all chemicals covered by name under these regulations into a single list and published them as The Title III List of Lists available at www.epa.gov/swercepp/ds-epds.htm#title3.

Profiles of extremely hazardous substances are available at www.epa.gov/ceppo/ep_chda.htm#ehs

Each year, EPA publishes a report summarizing the TRI information that was submitted to EPA and States during the previous year. In addition, TRI data are available through EPA's Envirofacts database at www.epa.gov/enviro. TRI data are also available at www.epa.gov/tri, www.rtk.net, and www.scorecard.org.

All of these sites can be searched by facility, city, county, and state and provide access to basic TRI emissions data. The RTK-Net site, maintained by the public advocacy group OMB Watch, provides copies of the full TRI form for each facility. The Scorecard site, maintained by the Environmental Defense public advocacy group, ranks facilities, States, and counties on a number of parameters (e.g., total quantities of carcinogens released) as well as maps that show the locations of facilities in a county or city.

Initial emergency release notifications made to the National Response Center or EPA are available on line at www.epa.gov/emsacct/pdf/index.html.

A list of LEPCs and SERCs is available at <http://www.RTK.NET:80/lepc/>.

Many of these sites can also be accessed through www.epa.gov/ceppo/.

Are There Other Laws That Provide Similar Information?

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to EPCRA provisions for extremely hazardous substances. Plans are developed at the local, State and Federal levels. The OPA plans offer an opportunity for LEPCs to coordinate their plans with area and facility oil spill plans covering the same geographical area.

The 1990 Clean Air Act Amendments require the EPA and OSHA to issue regulations for chemical accident prevention. Facilities that have certain chemical above specified threshold quantities are required to develop a risk management program to identify and evaluate hazards and manage those hazards safely. Facilities subject to EPA's risk management program rules must submit a risk management plan (RMP) summarizing its program. Most RMP information is available through RMP*Info, which can be accessed through www.epa.gov/enviro.

For More Information

Contact the EPCRA Hotline at:
(800)424-9346 or (703)412-9810
TDD (800)553-7672
Monday -Friday, 9 AM to 6 PM, EST

Visit the CEPPPO Home Page at:
WWW.EPA.GOV/CEPPO/

For EPA EPCRA contacts, check the CEPPPO home page.
For TRI program officials and EPA TRI regional contacts, check www.epa.gov/tri/statecon.htm.



AMENDMENTS TO EMERGENCY PLANNING AND NOTIFICATION; EMERGENCY RELEASE NOTIFICATION AND HAZARDOUS CHEMICAL REPORTING. 40 CFR Parts 355 and 370.

On October 17th, 2008, EPA finalized several changes to the Emergency Planning and Community Right-to-Know Act (EPCRA) regulations (40 CFR Parts 355 and 370). These changes were proposed on June 8, 1998 (63 FR 31268). Facilities subject to these regulations, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs) and fire departments should become familiar with the new regulation.

All sections of 40 CFR Parts 355 and 370 will be in plain language, using a question and answer format.

There are only minor changes to the emergency planning and emergency release notification sections. For hazardous chemical reporting regulations, there are changes regarding the Tier I and Tier II forms, as well as changes in how to report hazardous chemicals in a mixture.

Tier I and Tier II Forms

- The Tier I and Tier II forms and their instructions have been removed from the code of federal regulations (CFR). They may now be found on EPA's Web site: www.epa.gov/emergencies.
- The revised regulation includes a description of the requirements for Tier I and Tier II. Facilities are now required to report their North American Industry Classification System (NAICS) code on the Tier I or Tier II form.
- Also, the chemical or common name of the chemical as provided on the Material Safety Data Sheet must be provided on the Tier II form.

EPA encourages facilities to contact their State to determine whether any additional requirements or formats are required by the State.

Hazardous Chemical Inventory Reporting for Chemicals in Mixtures

- When determining whether the threshold quantity of an **extremely hazardous substance (EHS)** has been met, facilities must include the total quantity of that EHS present in the pure form as well as in any mixture, even if any mixture including the EHS is also being reported as a hazardous chemical.
- For hazardous chemicals that are mixtures and do not contain any **extremely hazardous substance**, facilities have an option when determining whether the threshold quantity is present: (1) add together the quantity present in its pure form and as a component in all mixtures (even if the mixture is also being reported as a hazardous chemical), or (2) consider the total quantity of each mixture separately.

Where can I go for more information?

- Consult our Web site: www.epa.gov/emergencies.
- Sign up for our list serve to receive periodic updates: www.epa.gov/emergencies/newsroom.htm#listservs
- Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center: 800-424-9346 or 703-412-9810; TDD 800-553-7672 or 702-412-3323.



Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at:
<http://www.assistancecenters.net>

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

Transportation Industry

(1-888-459-0656 or www.transource.org)

Paints and Coatings

(1-800-286-6372 or www.paintcenter.org)

Construction Industry

(www.cicacenter.org)

Automotive Recycling Industry

(www.ecarcenter.org)

US / Mexico Border Environmental Issues

(www.bordercenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>) and

Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>).

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

CONCURRENCES							
SYMBOL	▶ 3Hs61	3Hs61					
SURNAME	▶ M. Price- Eby	J. Armstrong					
DATE	▶ 2/16/10	2/16/10					
EPA Form 1320-1 (12-70)			OFFICIAL FILE COPY				

EPCRA/CERCLA INSPECTION CONCLUSION DATA SHEET		03-MD-2010-020	
*Facility Name:	Millennium Inorganic Chemicals, Inc.		
Facility Street Address:	3901 Fort Armistead Road		
Facility City & State and Zip code:	Baltimore	MD	21226
*1. Compliance Activity Name	EPCRA Inspection		
*2. Compliance Activity Type (check one) Evaluation/Inspection	<input type="checkbox"/> Evaluation/Inspection <input type="checkbox"/> Investigation		
*3. Compliance Monitoring Category Comprehensive	Comprehensive Comprehensive		
*4. Compliance Monitoring Type Investigation	Evaluation Investigation		
*5. Actual Start Date	February 16, 2010		
*6. Actual End	February 16, 2010		
*7. Federal Statute: (choose one) a) EPCRA b) CERCLA	a		
*8. Law Section (select all that apply; must coincide with above statute): a) EPCRA 302 - Substances and Facilities Covered and Notification b) EPCRA 303 - Comprehensive Emergency Response Plans c) EPCRA 304 - Emergency Release Notification d) EPCRA 311 - Material Safety Data Sheets e) EPCRA 312 - Emergency and Hazardous Chemical Inventory Forms (Tier I/II) f) CERCLA 103A - Notification of Hazardous Reportable Quantity Release	a, b, d, and e		
*9. Program (select all that apply; must coincide with above statute): a) Comprehensive Emergency Response Plans (EPCRA) b) Emergency Release Notification (EPCRA) c) Inventory of Chemicals (EPCRA) d) Material Safety Data Sheets (EPCRA) e) Substances and Facilities Covered and Notification (EPCRA) f) Reporting and Access (CERCLA)	a, c, d, and e		
*10. Compliance Monitoring Action Reason (select all that apply): a) Core Program b) Agency Priority c) Selected Monitoring Action d) Citizen Complaint/Tip e) Random Inspection f) Result of spill	a		
*11. Compliance Monitoring Agency Type	U.S. EPA		
12. Did you observe any deficiencies (potential violations) during the on-site inspection?: (If Yes, please answer 13-15)			Yes
13. List deficiencies (potential violations) noted during the inspection: a) Potential emission in violation of regulations b) Potential failure to complete or submit a notification, report, certification or manifest c) Potential failure to follow a permit condition(s) d) Potential failure to follow a required sample monitoring procedure or laboratory procedure e) Potential failure to follow or develop a required management practice or procedure f) Potential failure to identify or manage a regulated waste or pollutant in any media g) Potential failure to maintain a record or failure to disclose a document			b

EPCRA/CERCLA INSPECTION CONCLUSION DATA SHEET		03-MD-2010-020
h) Potential failure to maintain/inspect/repair meters, sensors, and recording equipment i) Potential failure to obtain a permit, product approval, or certification j) Potential failure to report regulated events such as spills, accidents, etc. k) Potential incorrect use of material (pesticide, waste, product) or use of unapproved material l) Potential violation of a compliance schedule in an enforceable order		
Description of violations noted during inspection:	Under review	
14. If you observed deficiencies, did you communicate them to the facility during the inspection?:	No	
15. Did you observe or see the facility take any action during the inspection to address the deficiencies noted? If yes, identify the actions taken actually observed/seen and/or write a short description of the action below. Actions taken: a) Complete(d) a Notification or Report b) Correct(ed) Monitoring Deficiencies c) Correct(ed) Record Keeping Deficiencies d) Implemented New or Improved Management Practices or Procedures e) Improved Pollutant Identification (e.g. labeling, manifesting, storage, etc.) f) Reduced Pollution (e.g., use reduction, industrial process change, emissions or discharge change, etc.) g) Request(ed) a Permit Application or Applied for a Permit h) Verified Compliance with Previously Issued Enforcement Action - Part or All Conditions	No	
16. Did you provide general Compliance Assistance in accordance with the policy on the role of the EPA Inspector in providing Compliance Assistance during Inspections?	Yes	
17. Did you provide site-specific Compliance Assistance in accordance with the policy on the role of the EPA Inspector in providing Compliance Assistance during Inspections? (Note: This form does not require EPA Inspectors to provide compliance assistance.)	Yes	
18. SIC Code	2816	
19. NAICS Code	325131	
20. Media Monitored	n/a	
21. OECA National Priority	n/a	
22. Regional Priorities (Pick only one): a) Elizabeth River Initiative b) None c) Other _____	b	
23. Number of days conducting inspection	1	
24. Number of hours conducting inspection	2.5	
25. Compliance Monitoring Action Outcome: Check one (if Known at the time of the activity): a) Immediately corrected b) No compliance monitoring (access denied) c) No compliance monitoring (fac. shutdown) d) No violation e) Not immediately corrected f) Under review	f	
26. User-defined field #3	3HS61	
Inspection Government Contacts		
EPA Inspector(s)	Contractors, Jeffrey Thomas, Michael Isham	
Case Developer(s)	Michelle Price-Fay	

MATERIAL SAFETY DATA SHEET

KINGS MOUNTAIN MICA

EFFECTIVE DATE: March 20, 2006

PREVIOUS ISSUE: April 27, 2005

REGULATORY COMPLIANCE:

•EU-directive 2002/95/EC (RoHS)

•EC-directive 93/112/EC & 91/155/EC

•EC 67/548 (R51) & (R53)

•US OSHA Hazard Communication Standard CFR 1910.1200

•Canadian WHMIS •US OSHA Hazard Communication Standard CFR 1910.1200

•British Legislation, CHIP

1. IDENTIFICATION OF THE SUBSTANCE/PREP. AND THE COMPANY

PRODUCT NAME: KINGS MOUNTAIN MICA

MANUFACTURER'S NAME: KINGS MOUNTAIN MINING, L.L.C.

ADDRESS: 1469 South Battleground Avenue, Kings Mountain, North Carolina, USA 28086 PHONE NO.: (704) 734-3550

2. COMPOSITION/INFORMATION ON INGREDIENTS

CHEMICAL NAME: Muscovite Mica

PRODUCTS NAME: H-360, HAR-160, HiMod-270, HiMod-360, HiMod 370, HiMod 290 S-360, WG-160, WG-325, 1-K, 4-K, 4-KLE, 100-K, FS-255, F-260, L-105, 20-K, L-125, L-135, L-140, L-140F, F-120, Mica Concentrate, C-500, C-1000, C-3000, C-4000, HiMod-450, L-477, C-3000-C, C-500F

CHEMICAL FAMILY: Silicate Minerals

CAS No.: 12001-26-2

FORMULA: $KAl_2Si_3O_{10}(OH)_2 \cdot 5H_2O$

WEIGHT: 95-99.9 %

Crystalline Silica (Quartz) SiO_2 CAS No: 14808-60-7 WEIGHT: 0.1-5.0%

3. HAZARDS IDENTIFICATION

- **Kings Mountain mica** is an inorganic mineral. It is an abundant silicate comprising many inorganic elements. It may contain a small amount of crystalline silica (Quartz). Typical levels may vary between 0.1% to 5 %
- **CARCINOGENICITY:** This product contains crystalline silica. Repeated, prolonged inhalation of dust may cause delayed lung injury which may result in silicosis or pneumoconiosis. The International Agency For Research On Cancer in its publication, "IARC Monographs On the Evaluation Of The Carcinogenic Risk To Humans – Silica, Some Silicates, Coal Dust and Para-aramid Fibrils" - Volume 68, 1997, has concluded that there is sufficient evidence of the carcinogenicity of crystalline silica in humans, and has, therefore, classified crystalline silica in, Group 1, Carcinogenic to Humans. The National Toxicology Program's ("NTP's") Ninth Annual Report on Carcinogens 2000, lists crystalline silica (respirable) as a substance which is known to be a human carcinogen. In humans, a number of studies have found an association between lung cancer and exposure to dust containing respirable crystalline silica. In many of these studies, though not all, lung cancer risks were elevated and could not be explained by confounding factors such as cigarette smoking or arsenic or random inhalation. While the IARC working group concluded there was sufficient evidence in humans for the carcinogenicity of inhaled crystalline silica in the form of quartz or cristobalite, it noted that carcinogenicity in humans was not detected in all circumstances studied.
- **Note:** The state of California requires the following statement:
"Airborne particles of respirable size of crystalline silica are known to the State of California to cause cancer"

Controlled average exposures over a working day to 3 mg/m³ of respirable dust or less should be adequate to protect employee's health. Brief or occasional exposure should not cause any more concern than would exposure to other relatively inert dusts.

4. FIRST AID MEASURES

No special procedures are required. Some eye, mucous membrane and skin sensitivity may occur with allergic individuals. First aid consists of washing away dust. In case of discomfort by dust, move to a ventilated area and consult a physician.

Eyes: Wash eyes with large amount of water or saline solution. If irritation or redness develops, get medical attention.

Ingestion: Give large quantities of water to induce vomiting, keep head lower than hips to prevent aspiration. Get medical attention.

5. FIRE-FIGHTING MEASURES

Mica is inert and non-flammable.

6. ACCIDENTAL RELEASE MEASURES

Mica waste is non-reactive, non-flammable, non-biodegradable. Use conventional means for clean-up; e.g. sweeping, vacuum, etc. Use caution on wet floor, as it may be slippery.

7. HANDLING AND STORAGE

Avoid dust formation. Keep container tightly closed.

8. EXPOSURE CONTROL/PERSONAL PROTECTION

OSHA PEL ACGIH TLV

Mica: 20 mppcf (3 mg/cu. meter) (Respirable) 3 mg/cu. meter (TWA-8 Hours Period)

Quartz: (Respirable) 0.1 mg/cu. meter/%Si₂ (Respirable) 0.025 mg/cu. meter

The exposure limits of Mica are shown in Table Z-3-Mineral Dust, published by OSHA (29 CFR 1910.1000) USA.

RESPIRATORY PROTECTION: NIOSH approved dust respirator should be used when level exceeds TLV.
VENTILATION: Normal air circulation, use adequate ventilation for low TLV.
LOCAL EXHAUST: Collect excessive dust at point of generation
PROTECTIVE GLOVES & EYE PROTECTION: Impermeable gloves and eye protective glasses are recommended.

9. PHYSICAL AND CHEMICAL PROPERTIES

DECOMPOSITION POINT: ~1000° C (1832° F) **SPECIFIC GRAVITY (WATER=1):** 2.8 g/cc
SOLUBILITY IN WATER: Insoluble **pH (10 % aqueous sol):** 7~8
HARDNESS: 2.5 - 3 MOHS **APPEARANCE:** White/buff powder
ODOR: Odorless **EVAPORATION RATE (BUTYL ACET.=1):** N/A

10. STABILITY AND REACTIVITY

CHEMICAL STABILITY: Stable **CONDITIONS TO AVOID:** None
MATERIALS TO AVOID: Strong acids and alkalis **HAZARDOUS DECOMPOSITION PRODUCTS:** None

11. TOXICOLOGICAL INFORMATION

POTENTIAL HEALTH EFFECTS (ACUTE & CHRONIC): May cause eye and skin irritation. Ingestion may cause gastrointestinal irritation, nausea and diarrhea. Long term exposure to high amount of mica without the approved dust mask may lead to chronic cough, dyspepsia or respiratory dysfunction.

12. ECOLOGICAL INFORMATION

Ecotoxicity Effects: No known effect on environment or expected under normal use.

13. DISPOSAL CONSIDERATIONS

WASTE DISPOSAL METHOD: Use normal solid waste, disposal methods to comply with Federal and local laws.

14. TRANSPORT INFORMATION

Not classified as dangerous material by DOT. No special precautions are required.

15. REGULATORY INFORMATION

AUSTRALIA ACOIN: Mica is on the list

CANADIAN WHMIS: Mica with less than 1% silica is considered an uncontrolled product according to WHMIS classification criteria

CANADIAN DOMESTIC SUBSTANCES LIST: As naturally occurring substance mica in on the list

ECC DIRECTIVE: Packaging Code EEC 67/548 (R 51) & (R 53)

JAPAN MITI INDEX: Mica is not on the list

U.S. CALIFORNIA PROPOSITION 65: Mica is not on the list. However, Mica may contain ppm quantities of materials regulated under California's Safe Drinking Water and Toxic Enforcement Act of 1986.

U.S. CERCLA: 40 CFR Part 302, Table 302.4 Mica is not listed. Notification of the spill is not required.

U.S. EPA- TCLP: 40 CFR Part 261-24, appendix II-- Table 1, No noticeable amount of Toxic substances leaches out.

U.S. RCRA: Mica is not classified as a hazardous waste under Section 3001 of RCRA, and under regulation 40 CFR Part 261.4 (b)(7).

U.S. SARA TITLE III: This product is not subject to SARA Title III (40 CFR Part 372)

U.S. TSCA CHEMICAL SUBSTANCES INVENTORY: Mica is listed, CAS # 12001-26-2

Conformance of Mica to FDA regulations: Please note that mica meets the FDA criteria covering the safe use of mica in articles intended for food contact use. Mica is listed in the Code of Federal Regulations; Title 21 "Food and Drugs" parts 175 and 177 under "Indirect Food Additives":

175.105.5, 175.300(b)(3)(xxvi), 176.170, 176.180, 177.1210, 177.1350.a.3, 177.1460, 177.1520(b), 177.2600.(C.4(v)),

16. OTHER INFORMATION

NPCA / CPMA HMIS Ratings:

HEALTH: 1

REACTIVITY: 0

FLAMMABILITY: 0

PERSONAL PROTECTION: E

PREPARED BY: JOE ANTONACCI/RAOUL GABHART, ZEMEX QUALITY DEPARTMENT

KINGS MOUNTAIN MINING, LLC, 1469 S. Battleground Ave, Kings Mountain, North Carolina, USA 28086

TELEPHONE NO.: (704) 739-3616

DATE OF ISSUE: 3/20/2006



**CHENEGA®
GLOBAL SERVICES, LLC**

**Office: (856) 269-4241
Fax: (856) 269-4239
726 East 9th Avenue
Anchorage, AK 99501**

April 14, 2010

**Ms. Michelle Price-Fay
U.S. EPA Region 3
1650 Arch Street (3HS61)
Philadelphia, PA 19103-2029**

**Subject: Inspection and Evaluation Report for Contract EP-S3-09-02 Task Order 3 Site
No. 17**

Dear Ms. Price-Fay:

**Enclosed please find the Inspection and Evaluation Report for Combined Systems, Inc.
If there are any questions, feel free to contact me.**

Thank you.

Sincerely,

**Eric Bailey
Project Manager
Chenega Global Services, LLC**

**Cc: Jim Clark, CO 3PM10
Joe Tralie, PO 3HS42**

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

SUBJECT: Combined Systems, Inc.
388 Kinsman Road
Jamestown, Pennsylvania 16134

Case No. 03-PA-2010-022

FROM: Michelle Price-Fay *mpf*
EPCRA Coordinator

TO: File

THRU: Joan Armstrong, Chief *JA 1/26/11*
Oil and Prevention Branch

ENFORCEMENT CONFIDENTIAL

On March 9, 2010, EPA Region III conducted an inspection at the Combined Systems, Inc. (CSI) facility located in Jamestown, Pennsylvania. The focus of this investigation was to evaluate CSI's compliance with EPCRA Sections 302, 303, 311 and 312 for extremely hazardous substances (EHSs) and hazardous chemicals stored at the Facility. An evaluation of the investigation gathered during the inspection is provided below:

I. EPCRA Sections 302 and 303

CSI stored one (1) Extremely Hazardous Substances (EHSs), malononitrile, in excess of its TPQ during calendar years 2007, 2008 and 2009. Reporting and planning information for this Facility are included below:

EHS/Hazardous Substance	CAS No.	Threshold (pounds)	Maximum Storage Quantity (pounds)		
			2007	2008	2009
Malononitrile	109-77-3	500/10,000	7,000	2,310	1,870

During the inspection, CSI was unable to produce initial submissions in accordance with EPCRA Sections 302 and 303. However, facility representatives provided copies of letters, provided with the annual Tier II report submissions, that indicated that malononitrile, an EHS, was stored at the Facility. These letters also identified the Facility Emergency Contact (FEC). According to the certified statements received from the SERC and the LEPC, both reporting agencies have received a response from the Facility regarding EPCRA Sections 302 and 303.

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**II. EPCRA Section 304
CERCLA Section 103**

The focus of this investigation was to gather information regarding hazardous chemicals storage at the facility. Therefore EPCRA Section 304 and CERCLA Section 103 were not part of the facility compliance evaluation.

III. EPCRA Sections 311 and 312 Evaluation

The following table provides a list of the hazardous chemicals and their reporting requirements under EPCRA at the Jamestown Facility:

EHS/Hazardous Substance	CAS No.	Threshold (pounds)	Maximum Storage Quantity (pounds)		
			2007	2008	2009
2-chlorobenzaldehyde (OCBA)	89-98-5	10,000	<8,400 and >10,000	31,765	34,000
Acetone	67-64-1	10,000	9,115	11,563	13,000
O-chlorobenzal malononitrile (CS),	483-37-7	10,000	20,000	20,000	20,000
Malononitrile	109-77-3	500/10,000	7,000	2,310	1,870
Mica	489-33-4	10,000	22,000	22,000	22,000

Based on information obtained during the inspection, it appears that CIS failed to accurately report Mica on their Tier II report for reporting year 2007. They were not able to provide their initial EPCRA Section 311 submission but they have periodically updated their inventory information when they submitted their Tier IIs. While this appears to be a violation of EPCRA Section 312 it would be considered a prior year violation in the Enforcement Response Policy with a penalty of \$1,500 dollars. Because the Facility was in compliance for reporting years 2008 and 2009, no further action is being recommended at this time.